

रजिस्टर्ड नं० पी०/एस० एम० 14.



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शनिवार, 28 जनवरी, 1984/8 माघ, 1905

हिमाचल प्रदेश सरकार

विवि विभाग

अधिसूचनाएं

शिमला-2, 27 जनवरी, 1984

संख्या एल०एल०आर०डी०(6) 33/83—हिमाचल प्रदेश टाउन एण्ड कण्ट्री प्लानिंग (अमैडमेंट) विधेयक, 1983 (1983 का विधेयक संख्यांक 22) का भारत के संविधान के अनुच्छेद 200 के अधीन दिनांक 23 जनवरी, 1984

को राज्यपाल महोदय की स्वीकृति के उपरान्त एतद्वारा सर्वसाधारण की जानकारी के लिए राजपत्र, हिमाचल प्रदेश में 1984 का अधिनियम संख्या 1 के रूप में प्रकाशित किया जाता है।

वेद प्रकाश भटनागर,
सचिव (विधि)।

Act No. 1 of 1984.

**THE HIMACHAL PRADESH TOWN AND COUNTRY PLANNING
(AMENDMENT) ACT, 1983**

AN
ACT

further to amend the Himachal Pradesh Town and Country Planning Act, 1977 (Act No. 12 of 1977).

BE it enacted by the Himachal Pradesh Legislative Assembly in the Thirty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Town and Country Planning (Amendment) Act, 1983.

Short title
and com-
mencement.

(2) It shall be deemed to have come into force on the twentieth day of October, 1983.

2. For the opening word “Every” occurring in section 42 of the Himachal Pradesh Town and Country Planning Act, 1977 (hereinafter called the principal Act) the words, figures, alphabet and sign “Save as provided in section 42-A, every” shall be substituted.

Amendment
of section
42.

3. After section 42 of the principal Act the following new section 42-A, along with its heading, shall be inserted, namely :—

Insertion
of section
42-A.

“42-A. **Constitution of Town and Country Development Authority for the capital town of Himachal Pradesh.**—(1) Notwithstanding anything to the contrary contained in section 42, the Town and Country Development Authority for the capital town of Himachal Pradesh shall consist of the Chairman, Vice-Chairman and eight other members to be appointed by the State Government.

(2) The Chief Minister and the Minister-in-charge of Town and Country Planning, shall be the *ex-officio* Chairman and Vice-Chairman of the Town and Country Development Authority constituted under sub-section (1) and for the discharge of their duties as such they shall not be entitled to any emoluments and in relation to them the provisions contained in section 43, sub-section (3) of section 44, section 45 and section 46 will not operate :

Provided that during the period of any proclamation issued under Article 356 of the Constitution of India, the Governor may, by notification, appoint any persons to act as the Chairman and the Vice-Chairman of the Development Authority

of 1977

constituted under this section and the persons so appointed shall exercise the powers vested in them and perform the functions assigned to them under the Act during the period the said proclamation issued under Article 356 continues to be in force and the provisions contained in sections 43, 44 (3), 45 and 46 shall apply to them.

- (3) In the absence of the Chairman, the Vice-Chairman shall preside over the meetings of the Town and Country Development Authority constituted under this section and shall, in relation thereto, exercise such powers and perform such functions as the Chairman may assign to him."

Amendment
of section
48.

4. For the word "Secretary" occurring in sub-section (1) of section 48 of the principal Act, the word "Member-Secretary" shall be substituted.

Amendment
of section
65.

5. After the word "Government" occurring for the second time in section 65 of the principal Act, the words "or other financial institutions" shall be inserted.

Repeal and
savings.

6. (1) The Himachal Pradesh Town and Country Planning (Amendment) Ordinance, 1983 is hereby repealed.

5 of 1983.

- (2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done, or taken under the corresponding provisions of this Act, as if this Act had come into force on the day on which such thing was done or action was taken.

शिमला-2, 27 जनवरी, 1984

संख्या एल 0एल 0आर-डी 0 (6) 34/83.—हिमाचल प्रदेश यूनिवर्सिटी (अमैडमेंट) विधेयक, 1983 (1983 का विधेयक संख्यांक 21) को भारत के संविधान के अनुच्छेद 200 के अधीन दिनांक 23 जनवरी, 1984 को राज्यपाल महोदय की स्वीकृति के उपरान्त एाद्वारा सर्वसाधारण की जानकारी के लिये राजपत्र, हिमाचल प्रदेश में 1984 का अधिनियम संख्यांक 2 के रूप में प्रकाशित किया जाता है।

वेद प्रकाश भटनागर,
सचिव (विधि)।

Act No. 2 of 1984.

**THE HIMACHAL PRADESH UNIVERSITY (AMENDMENT)
ACT, 1983**

AN

ACT

further to amend the Himachal Pradesh University Act, 1970 (Act No. 17 of 1970).

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-fourth Year of the Republic of India, as follows :—

1. (1) This Act may be called the Himachal Pradesh University (Amendment) Act, 1983.

Short title and commencement.

(2) It shall be deemed to have come into force on the twenty-eighth day of October, 1983.

17 of 1970 2. After the existing section 9 of the Himachal Pradesh University Act, 1970 (hereinafter called the principal Act), the following new section 9-A, along with its heading, shall be added, namely :—

Insertion of new section 9-A.

“9-A. *Power of the Chancellor to annul proceedings or decisions of the University and its bodies.*—Without prejudice to the foregoing provisions of this section, the Chancellor may, by order in writing, annul proceedings of the University or of its any authority or the decision of any officer of the University, which is not in conformity with this Act or the Statutes or the Ordinances made thereunder :

Provided that before making such order, the Chancellor shall call upon the University, or as the case may be its authority or the officer, to show cause why such an order should not be made and if any cause is shown within the period specified by him in this behalf shall consider the same.”

3. For the existing section 12 of the principal Act, the following new sections 12, 12-A, 12-B and 12-C, along with their headings, shall be inserted, namely :—

Substitution of section 12 and insertion of sections 12-A, 12-B and 12-C.

“12. *Appointment of the Vice-Chancellor.*—(1) The Vice-Chancellor shall be appointed by the Chancellor in consultation with the State Government.

(2) The Vice-Chancellor shall be a whole-time salaried Officer of the University.

(3) Except as expressly provided in sub-sections (4) and (5), the Vice-Chancellor shall, subject to the pleasure of the Chancellor, hold office for a term of three years from the date on which he enters upon his office and shall, on the expiry of the term of his office, be eligible for re-appointment to that office:

Provided that the Vice-Chancellor shall, notwithstanding the expiry of the said period of three years, continue to hold his office until his successor is appointed and enters upon his office.

(4) No person shall be appointed, or if appointed shall hold or continue to hold office, as Vice-Chancellor if he has attained the age of sixty-five years.

(5) If in the opinion of the Chancellor, the Vice-Chancellor wilfully omits or refuses to carry out the provisions of the Act or abuses the powers vested in him or if it appears to the Chancellor that the continuance of the Vice-Chancellor in office is detrimental to the interests of the University, the Chancellor may, after making such enquiry as he deems proper and in consultation with the State Government, by order, remove the Vice-Chancellor.

(6) The Chancellor shall have power to suspend the Vice-Chancellor, during the pendency or in contemplation of any enquiry referred to in sub-section (5).

(7) The Vice-Chancellor may resign by a notice of one month in writing under his hand addressed to the Chancellor. The Chancellor may waive off the period of notice and accept the resignation forthwith in consultation with the State Government.

12-A. *Emoluments and other terms and conditions of service of the Vice-Chancellor.*—(1) There shall be paid to the Vice-Chancellor such salary as the Chancellor may, in consultation with the State Government, determine from time to time and he shall be entitled, without payment of rent, to use a furnished residence throughout the term of office and no charge shall fall on the Vice-Chancellor personally in respect of the maintenance of such residence.

(2) The Vice-Chancellor shall not be entitled to the benefits of the University Provident Fund or to any other allowance:

Provided that where an employee of the University is appointed as the Vice-Chancellor, he shall be allowed to continue to contribute to the Provident Fund and the contribution of the University shall be limited to what he had been contributing immediately before his appointment as Vice-Chancellor.

(3) The Vice-Chancellor shall be entitled to travelling allowances at such rates, and medical cost at such scales, as may be fixed by the Chancellor.

(4) The Vice-Chancellor shall be entitled to leave on full pay for one-eleventh of the period spent by him on active service.

(5) The Vice-Chancellor shall also be entitled on medical grounds, or otherwise than on medical grounds, to leave without pay for a period not exceeding three months during the term of his office:

Provided that such leave may be converted into leave on full pay to the extent to which he will be entitled to leave under sub-section (4).

12-B. *Arrangement of work during vacancy in the office of the Vice-Chancellor.*—(1) During the temporary absence of the Vice-Chancellor

by reason of leave, illness or any other cause, the Chancellor may, in consultation with the State Government, make such arrangements for carrying on the duties of the Vice-Chancellor as he may deem fit.

(2) During the period a vacancy in the office of the Vice-Chancellor remains unfilled, such person as the Chancellor may appoint shall act as Vice-Chancellor and the person so appointed shall have all the powers of the Vice-Chancellor and shall be entitled to the privileges of the Vice-Chancellor and to such emoluments and allowances as may be determined by the Chancellor.

12-C. Powers and duties of the Vice-Chancellor.—(1) The Vice-Chancellor, who shall be the principal executive and academic officer of University, shall take rank next to the Chancellor and shall exercise general supervision and control over the affairs of the University, and shall, in the absence of the Chancellor, preside at the meetings of the Court and any convocation of the University.

(2) The Vice-Chancellor shall be the ex-officio Chairman of the Executive Council, the Academic Council and the Finance Committee. He shall be entitled to be present at and to address any meeting of any authority or body of the University, but shall not be entitled to vote thereat unless he is member of such authority or body.

(3) The Vice-Chancellor shall exercise general supervision and control over the affairs of the University and shall be responsible for its proper and efficient functioning. He shall also exercise all powers necessary for due maintenance of discipline in the University.

(4) He shall ensure the observance of the provisions of this Act, the Statutes, Ordinances and Regulations and he shall have all powers necessary for that purpose.

(5) The Vice-Chancellor shall, either himself or through any officer of the University authorised in writing by him, convene the meetings of the Executive Council, the Academic Council and the Finance Committee and shall perform all such acts as may be necessary to carry out the provisions contained in this Act, the Statutes, the Ordinances and the Regulations and to give effect to the decisions of the said authorities.

(6) The Vice-Chancellor shall at the close of each academic year, in the manner prescribed in the Statutes or Ordinances, assess and evaluate the teaching and research work done by the members of the Faculty. On such assessment or the evaluation, if the Vice-Chancellor is of the opinion that the work and conduct of any member of the Faculty is not satisfactory, he shall, in the manner as laid down in the Statutes or Ordinances, initiate or cause to be initiated action against such a member.

(7) In case of any emergency which, in his opinion, requires immediate action, the Vice-Chancellor shall take such action as he deems necessary and shall at the earliest opportunity thereafter report the action taken to such authority or body as would in the ordinary course have dealt with the matter:

Provided that if the action taken by the Vice-Chancellor is not approved by the authority or body concerned it may refer the matter to the Chancellor whose decision shall be final:

Provided further that if the decision taken by the authority or body on the report of the Vice-Chancellor under this sub-section affects adversely any person in the service of the University, the person may prefer an appeal to the Chancellor within thirty days from the date on which decision was communicated to him and the decision of the Chancellor on such appeal shall be final.

(8) The Vice-Chancellor shall exercise such other powers as may be prescribed by the Statutes, Ordinances and Regulations.

Amendment of section 19.

4. In existing section 19 of the principal Act after the word "Court" but before the word "and", the words "of not more than sixty-five members" shall be inserted.

Substitution of section 21.

5. For the existing section 21 of the principal Act, the following section 21 shall be substituted, namely:—

"21. (1) The Executive Council shall be the Executive Body of the University and shall consist of the following members:—

Ex-officio Members

- (i) the Vice-Chancellor;
- (ii) the Registrar;
- (iii) the Secretary (Finance) to the State Government;
- (iv) the Secretary (University Education) to the State Government;
- (v) the Director of Education, Himachal Pradesh;

Other Members

- (vi) two Deans of Faculty to be nominated by rotation by the Vice-Chancellor;
- (vii) two principals of affiliated colleges/colleges maintained by the University by rotation on the basis of seniority of whom one shall be principal of a Government College;
- (viii) one member to be elected by the Court from amongst its members who is not a teacher or an employee or a student in the University;
- (ix) one member to be elected by the Academic Council from amongst its members other than students and employees of the University;
- (x) one professor of the University by rotation on the basis of seniority to be nominated by the Vice-Chancellor;
- (xi) one person to be nominated by the State Government;
- (xii) one representative of students and one representative of non-teaching employees to be appointed for a period of one year at a time in the manner prescribed by the Statutes;
- (xiii) two persons to be nominated by the Chancellor out of the persons having special knowledge, or practical experience, in respect of such matters as art, literature, law, science and administration or social service; and
- (xiv) one representative of the college lecturers and one representative of the university lecturers to be chosen by direct election.

(2) Save as otherwise provided and except the ex-officio members, all other members shall hold office for a period of two years from the date of their election or nomination, as the case may be:

Provided, however, that no person nominated or elected in his capacity as a member of a particular body or as a holder of a particular appointment shall be a member after he ceases to be a member of that body or holder of that appointment, as the case may be:

Provided further that any member, other than ex-officio members, shall cease to be a member of the Executive Council if he absents himself from more than three consecutive meetings of the Executive Council without leave of absence from the Council.

(3) No person shall be or continue to be a member of the Executive Council in more than one capacity, and, whenever a person becomes a member of the Executive Council in more than one capacity, he shall, within two weeks thereof, choose the capacity in which he desires to be a member of the Executive Council and shall vacate the other seat. Where he does not so choose, the seat held by him earlier in point of time shall be deemed to have been vacated with effect from the date of expiry of the aforesaid period of two weeks.

(4) Seven members of the Executive Council shall form the quorum.

(5) The Executive Council shall be in charge of the general management and administration (including the revenue and property) of the University.

(6) The powers and functions of the Executive Council shall be such as may be prescribed by the Statutes.

6. For the sign “.” occurring at the end of sub-section (2) of section 22 of the principal Act, the sign “:” shall be substituted and thereafter the following proviso shall be inserted, namely:—

Amendment of section 22.

“Provided that the total membership of the Academic Council shall in no case exceed sixty-five.”.

7. For the existing sub-section (3) of section 39 of the principal Act, the following sub-section (3) shall be substituted, namely:—

Amendment of section 39.

“(3) Every Statute or addition to the Statutes or any amendment or repeal of the Statutes, shall require the approval of the Chancellor, who may assent thereto or withhold assent or remit to the Executive Council for reconsideration with his suggestions. In case the Executive Council passes it again in the same form and manner or the Chancellor is satisfied that it is not in the interests of the University, he may disallow such Statutes, amendment or repeal.”

Amend-
ment of sec-
tion 40. 8 After sub-section (2) of section 40 of the principal Act, the following new sub-section (3) shall be added, namely:—
“(3) The amendment or the repeal of the Ordinances under sub-section (2) shall have no validity unless it has been assented to by the Chancellor in consultation with the State Government”.

Substitution
of section 41. 9. For the existing section 41 of the principal Act, the following new section 41, along with its heading, shall be substituted, namely:—

“41. *Regulations.*—(1) The Executive Council may, with the sanction of the Chancellor, make Regulations consistent with this Act, the Statutes and the Ordinances for all matters relating to the University.
(2) In particular and without prejudice to the generality of the foregoing power, such Regulations may, in relation to the authorities of the University, provide for,—

- (a) laying down the procedure to be followed at their meeting and number of members required to form quorum;
- (b) all matters which by this Act, the Statutes, or the Ordinances are to be provided by the Regulations;
- (c) any other matter solely concerning any authority and not provided by this Act, the Statutes and the Ordinances; and
- (d) the giving of the notice to its members of the dates of the meetings and the business to be transacted thereat and for the keeping of the record of the proceedings of such meeting.”

Insertion of
section 49. 10. At the end of existing section 48 of the principal Act, the following new section 49, along with its heading, shall be inserted, namely:—

“49. *Miscellaneous.*—If any elected or nominated member of the Court, Executive Council and the Academic Council or any Body or Committee of the University ceases for any reason to be a student, teacher or an employee in which capacity he was elected/nominated he shall cease to be a member and his office shall become vacant”.

TRANSITORY PROVISIONS

11. (1) Notwithstanding anything contained in the principal Act, as amended by this Act, the Court, the Executive Council and the Academic Council of the University shall, as soon as may be after the commencement of this Act, be reconstituted in accordance with the provisions contained in sections 19, 21 and 22 of the principal Act, as amended by this Act, and every person holding office as a member of such authority immediately before the commencement of this Act shall, on the date of such commencement, cease to be member and the said authorities shall stand dissolved.

(2) As soon as may be after the commencement of this Act, the State Government shall constitute interim Court, Executive Council and Academic Council of the University in such manner as it thinks fit and the members of the said authorities constituted under this sub-section shall hold office for a period of six months or until the constitution of the authorities in accordance with provisions of sections 19, 21 and 22 of the principal Act, as amended by this Act, whichever is earlier.

Reconsti-
tution and
continua-
tion of me-
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rities of
the Uni-
versity.

12. (1) The State Government may, for the purpose of removing any difficulty, by order published in the Official Gazette, direct that the provisions of the principal Act, as amended by this Act, shall during such period as may be specified in the order, have effect subject to such adaptations whether by way of modification, addition or omission as it may deem to be necessary or expedient:

Power to remove difficulties.

Provided that no such order shall be made after the expiry of a period of six months from the commencement of this Act.

(2) Every order made under sub-section (1) shall be laid before the State legislature.

(3) No order under sub-section (1) shall be called in question in any court on the ground that no difficulty as is referred to in sub-section (1) existed or required to be removed.

13. (1) The Himachal Pradesh University (Amendment) Ordinance, 1983 is hereby repealed.

Repeal and savings.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act, as if the Act was in force on the day on which such thing was done or such action was taken.

